

From: Williams, Cheryl B.
Sent time: 07/31/2013 09:59:59 AM
To: Boyd, Andrew
Subject: RE: Referral to ORC - North Pole Refinery

Goodness, I love working with an Attorney that thinks about everything. Keeps me on my toes! ☺

Here's what I know and should have told you.

Flint Hill/North Pole refinery was called Williams Petroleum (in the 1990s) and before that they were another name.

They are located at the end of an AK Pipeline spur, outside of Fairbanks and they still operate as an oil refinery.

In the 1980's they had interim status for container and tank storage and they had a surface impoundment. All of the units were clean closed in early 1990 and from what I can tell the waste in the surface impoundment was delisted. But, there was contamination of some sort so, as a I.S. TSD they were/are subject to CA. I believe we issued a 3008(h) and ADEC issued a cleanup order.

In the mid/late 1990's (you might recall this you advised the program and weren't very thrilled we were doing this) OWCM drafted what we called at that time "Communication Plans" with ADEC. These facility specific plans were designed as a way to minimize duplication of work at those facilities that were subject to some sort of cleanup by both agencies. Williams Petroleum (now Flint Hills/North Pole Refinery) was one of the facilities. ADEC became the lead for cleanup and it was (is? I guess CAPT is still doing this) our job to ensure that whatever was done met the requirements of RCRA. Since I am not in DAWT I really don't know what is going on with these sites on that front anymore.

Now in 2013 – they are still an operating refinery – generating in excess of 250 tons of waste each year – so I think that it is unlikely, unless they cease operating, that they would drop below the LQG threshold – and even if they cease operations they are still generating waste from the groundwater cleanup (which appears to be the source of this incident (?).

I'm still doing the research, but from what I can tell fires from iron sulfides in the refinery industry are a known problem and are not uncommon. This seems to be the best explanation of the fires associated with iron sulfides in the petroleum industry I have found so far.

<http://www.cheresources.com/content/articles/safety/pyrophoric-iron-fires>

What is puzzling me is that the fires started with groundwater filters, not waste removed from any of the refinery process components – which the above website addresses. What the heck is in the ground water !!!!!?

Again, thanks for your input! Puzzles like this are fun.

Cheryl

Cheryl Williams, Team Lead
RCRA (Hazardous Waste) Compliance and Enforcement
Office of Compliance and Enforcement
Mailing Address: US EPA Region 10; 1200 6th Avenue; Suite 900; MS-OCE 127; Seattle, WA, 98101
e-mail: williams.cheryl@epa.gov
desk: 206.553.2137
fax: 206.553.8509

From: Boyd, Andrew
Sent: Wednesday, July 31, 2013 9:10 AM
To: Williams, Cheryl B.
Subject: RE: Referral to ORC - North Pole Refinery

OK – sounds good. As I understand the rules, generator status is determined on a month to month basis so while the latest BRS might be helpful it won't be determinative. Odd that they would have a 3008(h) order if only a generator since we can only issue 3008(h) orders to TSD facilities that have or should have had interim status.

From: Williams, Cheryl B.
Sent: Wednesday, July 31, 2013 8:31 AM
To: Boyd, Andrew
Subject: RE: Referral to ORC - North Pole Refinery

Wonderful comments Andy....thanks.

I'll do some pondering and see what I come up with...Oh, they have been, to the best of my knowledge long time LQG that I believe has a 3008(h). I will however verify the last BRS and we can always ask a question in the 3007.

Cheryl

Cheryl Williams, Team Lead
RCRA (Hazardous Waste) Compliance and Enforcement
Office of Compliance and Enforcement
Mailing Address: US EPA Region 10; 1200 6th Avenue; Suite 900; MS-OCE 127; Seattle, WA, 98101
e-mail: williams.cheryl@epa.gov
desk: 206.553.2137
fax: 206.553.8509

From: Boyd, Andrew
Sent: Tuesday, July 30, 2013 4:24 PM
To: Williams, Cheryl B.
Subject: RE: Referral to ORC - North Pole Refinery

A few thoughts.

- Is it possible that this the facility may have been recycling or reclaiming this material in some way that might have exempted it from regulation as solid waste or hazardous waste (before the fire foreclosed that option)?
- Since generator status can change month to month, do we need to establish they were not a CESQG or SQG? CESQGs are exempt from training and from 265.31. SQGs are subject to a different rule on training – see 262.34(d)(5)(iii)
- To include 265.31 we need to be able to establish that facility was not maintained and operated to minimize possibility of fire. The fires certainly provide a good start on that, but probably need to seek evidence on how their operation/maintenance was deficient, particularly in event they contend the fires occurred despite their efforts to minimize possibility of fire?
- Since these are 262.34 conditions for operating without a permit rather than independent "requirements," should we probe for any other 262.34 failures? Were the roll offs labeled and marked with accumulation start date (presuming not satellite accumulation), were they closed except when adding or removing waste?
- Should we request copies of the manifest and LDR notices/forms to evaluate compliance with manifest and LDR requirements? Fairly straightforward

I think the draft info request addresses many of these, but not all. Should we develop at least an outline of a compliance analysis to make sure the info request asks for all that we will need to bring a case should there be one to be made (identify elements we need to prove for potential violations and proof in hand [e.g. proof that the material is ignitable] and proof needed, as well any potential defenses we should consider addressing in info request)?

I can give the draft info request a closer look and provide comments but thought I'd start with "a few thoughts"

Your thoughts?

Andy

Andrew Boyd

U.S. EPA, Region 10

Tel: (206) 553-1222

boyd.andrew@epa.gov

SENSITIVE COMMUNICATION INTENDED ONLY

FOR USE OF RECIPIENTS NAMED ABOVE

From: Williams, Cheryl B.
Sent: Tuesday, July 30, 2013 1:27 PM
To: Silver, Meg; Boyd, Andrew
Subject: RE: Referral to ORC - North Pole Refinery

Thanks Meg and Andy!

Andy. You got a copy of the draft 3007, yes?

I'll make a copy of the notice it is based on and get it up to you.

cw

Cheryl

Cheryl Williams, Team Lead
RCRA (Hazardous Waste) Compliance and Enforcement
Office of Compliance and Enforcement
Mailing Address: US EPA Region 10; 1200 6th Avenue; Suite 900; MS-OCE 127; Seattle, WA, 98101
e-mail: williams.cheryl@epa.gov
desk: 206.553.2137
fax: 206.553.8509

From: Silver, Meg
Sent: Tuesday, July 30, 2013 1:23 PM
To: Downey, Scott; Williams, Cheryl B.
Cc: Boyd, Andrew
Subject: RE: Referral to ORC - North Pole Refinery

Andy Boyd will handle this case for ORC. Thanks, Andy!

From: Downey, Scott
Sent: Monday, July 29, 2013 3:06 PM
To: Silver, Meg
Subject: FW: Referral to ORC - North Pole Refinery

Meg – here's the attorney request I mentioned to review an Information Request. Cheryl thinks this is a RCRA-only issue.

~~~~~  
Scott Downey, Manager  
Air and RCRA Compliance Unit  
EPA Region 10, OCE-127  
1200 6th Ave, Suite 900  
Seattle, WA 98101, (206) 553-0682

**From:** Williams, Cheryl B.  
**Sent:** Monday, July 29, 2013 2:55 PM  
**To:** Downey, Scott  
**Subject:** Referral to ORC - North Pole Refinery

Scott,

By this e-mail I am asking that you request ORC support for the following case.

**Background:**

Earlier in the month we received a notice from the North Pole Refinery, owned by Flint Hills (North Pole, Alaska) that they had activated their contingency plan as required for LQGs (see 40 CFR 265.56(i)). The notice states that iron sulfide that was located in a roll off container spontaneously combusted (characteristic hazardous waste D001) and then a few days later re-ignited.

Although the Facility complied with the regulations to notify us, the fact that the generation of this waste stream is common in the industry and fires from this waste stream are a known danger - I am concerned that there may have been a lack of training or inadequate waste designation at the time of the occurrences. Therefore, I have drafted an information request (3007) to probe a bit at these questions. I believe there might be a violation of training requirements and also 265.31 which requires that facilities be maintained and operated to minimize the possibility of a fire, explosion, or any unplanned sudden or non-sudden release of a hazardous waste or hazardous waste constituents to air, soil, or surface water which could threaten human health or the environment.

I have sent an e-mail to the local fire department requesting incident reports related to these events.

**Projected Level of Effort:**

Up to 2 hours (in the short term) to read the Information Request and incident report and to discuss case and necessary evidence/appropriate response.

Because there were two sudden, unplanned releases of hazardous waste documented by the facility I believe that getting any additional information necessary for a penalty case should be fairly easy as RCRA cases go.

Purpose of the enforcement action would be to create a deterrent so that future fires will not happen.

Attached is a draft 3007 letter.

Jo: Please use this to document a NRR (today's date) in RCRA Info.

*Cheryl*

Cheryl Williams, Team Lead  
RCRA (Hazardous Waste) Compliance and Enforcement  
Office of Compliance and Enforcement

**Mailing Address:** US EPA Region 10; 1200 6th Avenue; Suite 900; MS-OCE 127; Seattle, WA, 98101

**e-mail:** [williams.cheryl@epa.gov](mailto:williams.cheryl@epa.gov)

**desk:** 206.553.2137

**fax:** 206.553.8509